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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 08-399 PJH
Plaintiff,	)	
v.	)	GOVERNMENT'S OPPOSITION TO
	)	DEFENDANT'S MOTION <i>IN LIMINE</i> TO
JAIME SALCEDO-MENDOZA,	)	EXCLUDE UNDISCLOSED EVIDENCE
Defendant.	)	
	)	Trial Date: September 8, 2008
	)	Pretrial Conf.: August 27, 2008
	)	Judge: Hon. Phyllis J. Hamilton

GOV'T OPP. DEF. MOT. EXCLUDE UNDISCLOSED EVID.  
CR 08-399 PJH

1 The Court should deny the defendant's Motion in Limine to Exclude undisclosed  
2 evidence. The Court did not impose a discovery deadline in this case. In its pretrial order, the  
3 Court required the parties to comply with the Federal Rules of Criminal Procedure, and also  
4 required the government to comply with *Brady v. Maryland*, 373 U.S. 83 (1963) and *United*  
5 *States v. Agurs*, 427 U.S. 97 (1976). (July 31, 2008 Order for Pretrial Preparation for Criminal  
6 Jury Trial.) Therefore, contrary to the defendant's assertion (Def. Mot. Exclude Undisclosed  
7 Evid. at 1:19-21), the parties were not required to disclose all evidence that the deadline for filing  
8 motions *in limine*.

9 The government has complied with all of its discovery obligations, including its  
10 obligations under Rule 16 to produce evidence to the defendant. The government is aware that  
11 its duty to disclose evidence is a continuing duty and will produce additional evidence to the  
12 defendant, if any exists, immediately after the government receives it. Given the short time  
13 period between indictment and trial in this case – less than three months – it is inevitable that a  
14 small number of documents would be discovered after the parties filed their motions in limine.

15 Finally, the defendant will not be harmed by the disclosure of additional documents, and  
16 the Court should not continue the trial. This case is straightforward and does not present  
17 complex legal or factual issues. If the defendant shows that he was harmed by disclosure of  
18 additional evidence, then the Court can continue the trial. The defendant's assertion that he will  
19 object to a continuance is irrelevant because the speedy trial deadline in this case will be no  
20 earlier than October 20, 2008, six weeks after the trial is scheduled to start.

21  
22 DATED: August 20, 2008

Respectfully submitted,

23 JOSEPH P. RUSSONIELLO  
24 United States Attorney

25 /S/

26 TAREK J. HELOU  
27 Assistant United States Attorney

28 GOV'T OPP. DEF. MOT. EXCLUDE UNDISCLOSED EVID.  
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